

**ASSEMBLY, No. 1340**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Murphy**

**SYNOPSIS**

Requires certain water suppliers to reimburse residential customers for drinking water testing and filters under certain circumstances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1    **AN ACT** concerning reimbursement of costs of water testing and  
2       filters to residential customers, and supplementing P.L.1977,  
3       c.224 (C.58:12A-1 et seq.).  
4

5       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6       *of New Jersey:*  
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8       1.    a. (1) The owner or operator of a public water system shall  
9       reimburse a residential customer at the request of the municipality  
10      in which the customer resides, for the cost of water testing at the  
11      residence by a laboratory certified by the Department of  
12      Environmental Protection, when the testing is necessitated by the  
13      exceedance of a maximum contaminant level, or action level, as  
14      appropriate, of a federal or State drinking water standard by the  
15      public water system. The costs of the water testing shall not be  
16      borne by the public water system's regulated rate customers.

17      (2) The owner or operator of a public water system shall  
18      reimburse a residential customer for the cost of a filter certified for  
19      lead removal, including installation costs, for the residence should  
20      the replacement of a lead service line result in the exceedance at the  
21      residence of a maximum contaminant level, or action level, as  
22      appropriate, of a federal or State drinking water standard. The costs  
23      of the filter shall not be borne by the public water system's  
24      regulated rate customers.

25      (3) The provisions of this section shall not apply to a "public  
26      utility," as defined in R.S.48:2-13, that is regulated by the Board of  
27      Public Utilities.

28      b. Notwithstanding the provisions of the " Administrative  
29      Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
30      contrary, within 180 days of the effective date of  
31      P.L.     , c. (C.     ) (pending before the Legislature as this bill),  
32      the Department of Environmental Protection shall initiate a  
33      proceeding and shall adopt, after notice, provision of the  
34      opportunity for comment, and public hearing, interim rules and  
35      regulations as the department determines to be necessary to  
36      effectuate the provisions of P.L.     , c. (C.     ) (pending before  
37      the Legislature as this bill). The interim rules and regulations shall  
38      be effective as rules and regulations immediately upon filing with  
39      the Office of Administrative Law and shall be effective for a period  
40      not to exceed 18 months and may thereafter be amended, adopted,  
41      or readopted by the department pursuant to the provisions of the  
42      "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43      seq.).  
44

45      2.    This act shall take effect immediately.

STATEMENT

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3       This bill requires the owner or operator of a public water system  
4 to reimburse a residential customer for the cost of water testing at  
5 the residence when the testing is necessitated by the exceedance of  
6 a maximum contaminant level, or action level, as appropriate, of a  
7 federal or State drinking water standard by the public water system.  
8 The testing is to be conducted by a laboratory certified by the  
9 Department of Environmental Protection (department). The bill  
10 prohibits the costs of the water testing from being passed to the  
11 public water system's regulated rate customers.  
12       The bill requires the department, within 180 days of the effective  
13 date of the bill, to adopt interim rules and regulations to effectuate  
14 the purposes of the bill. The interim rules and regulations are to be  
15 effective immediately upon filing with the Office of Administrative  
16 Law and effective for a period not to exceed 18 months and may  
17 thereafter be amended, adopted, or readopted by the department  
18 pursuant to the "Administrative Procedure Act."  
19       The bill would require the owner or operator of a public water  
20 system to reimburse a residential customer for the cost of a filter  
21 certified for lead removal, including installation costs, for a  
22 residence should the replacement of a lead service line result in the  
23 exceedance of a maximum contaminant level, or action level, as  
24 appropriate, of a federal or State drinking water standard at the  
25 residence. The bill also provides that the costs of the filter would  
26 not be borne by the public water system's regulated rate customers.  
27       Further, an investor-owned utility is exempt from the  
28 requirements of the bill to reimburse residential customers for  
29 drinking water testing and filters under certain circumstances.